

Town Meeting Advisory Committee

TMCC-SPP DRAFT – June 15, 2017

Why is the Advisory Committee Needed?

Most warrant articles that come before Town Meeting proceed from the “executive branch” of Town government [Select Board, Planning Board, etc.]. The Finance Committee is currently the only committee that is part of the “legislative branch” of Amherst Government, that is, Town Meeting. We are recommending that Town Meeting discussions will benefit if its members have access to their own independent group to advise on warrant articles. This is the purpose of the proposed Town Meeting Advisory Committee, which will function in a way similar to Town Meeting’s Finance Committee, by advising Town Meeting on implications for the Town of Warrant Articles proposed by “executive branch” committees on matters of concern that are not necessarily or primarily financial.

Through the addition of an Advisory Committee, Town Meeting will be able to have information similar to other legislative bodies in the state and elsewhere. Most legislative bodies have a committee structure to “vet” proposed legislation in advance of consideration on the floor. While we do not need an elaborate committee structure, our proposal to expand from one to two advisory committees -- an Advisory Committee to complement the Finance Committee -- presents a reasonable experiment. Not only will the Advisory Committee advise Town Meeting on pros and cons of warrant articles, the Committee would have the power to propose amendments to warrant articles, ideally friendly amendments that have the support of the initiator. Because some warrant articles with good ideas may be hastily drawn, this process would work to the benefit of all.

We believe that the Finance Committee has benefitted Town Meeting and thus propose this parallel body. In considering warrant articles, Town Meeting members have information and recommendations prepared by the Town Finance Committee. The Finance Committee’s report, which is available in advance, provides summary information about whether the Town can reasonably afford proposed expenditures and indebtedness, given anticipated revenues. While the Finance Committee likely makes assumptions about the value to the Town of each expenditure, these are generally not explicit in its report.

It would be helpful to Town Meeting if there were a report that explicitly includes the likely range of benefits and disadvantages of adopting individual warrant articles, beyond the estimated financial cost to the Town. While it is important for the Town to live within its means, that is not the only standard by which an article should be judged, particularly where there are competing alternatives for the same dollar. In fact, as discussion evolves within precinct meetings and in Town Meeting itself, it is clear that other values and assumptions also influence voting. Describing these in advance of Town Meeting—to the extent possible—should lead to better-informed decision-making. It may also result in shorter, better organized, and more efficient floor discussions of warrant articles.

This [proposed Advisory] Committee will perform a valuable service for TM members who do not have the time needed to research every warrant article in advance of TM. It will promote a more thorough examination of the warrant generally, leading to better-informed

decisions. The Town Meeting Advisory Committee will provide members with a well-researched, accessible report with useful comments on warrant articles, just as the Finance Committee Report does.

How will the Advisory Committee Work?

The task of this Committee will be to prepare a report briefly outlining *the pros and cons* with respect to likely benefits and disadvantages to the Town of adopting most articles on the Town Warrant for all town meetings. The Committee report will not comment on the fiscal implications of any article for the Town; that is specifically reserved for the Finance Committee. However, it may comment on all articles, including those proposing expenditures, focusing on the impacts. The following are examples of impacts that the report may address with respect to any particular warrant article, as appropriate:

- Benefits and Impacts to specific neighborhoods
- Benefits and Impacts to individual taxpayers
- Benefits and Impacts to specific populations (e.g., children, families, elderly persons)
- Benefits and Impacts to the streetscape of the Town
- Benefits and Impacts to the Town history and culture
- Benefits and Impacts to public safety
- Benefits and Impacts to the Town economy
- Benefits and Impacts to the environment

The Committee has discretion to limit the number of articles it considers, given the limitations of available resources, but is expected to comment on major zoning articles or other Warrant Articles whose implications may be fiscal, but also include quality of life. The report will be submitted to the Town Manager's office in a timely manner to allow mailing with the last distribution to Town Meeting members. It would be made available to the public with other Town Meeting documents. During Town Meeting, the Committee will designate members to present its findings and recommendations following the Finance Committee presentation for each warrant article.

The Committee will make every effort to gather relevant information for its report. This may include arguments offered by both proponents and opponents of any article. The Committee is likely to establish smaller subcommittees to do its work. The Committee may request information from proposers of an article and from Town staff, and it may hold hearings in the pursuit of its mission. The Committee may establish a subcommittee to sit in with the Finance Committee during its consideration of the development of the Town Budget. In order to fulfill its mission, it may raise questions about the expected impact of proposed expenditures during these meetings, including economic and other benefits suggested above. It may also appoint subcommittees to sit with other Town Boards and Committees. One or more members should also attend the Town Warrant Review and precinct meetings to hear representations of facts, as well as pros and cons expressed during these processes.

The Committee members will include persons who are familiar with the Town and have a diversity of knowledge and experience, including education, planning, housing, conservation, recreation, economic growth, and government administration. The Town

Manager will designate a Town employee to assist the Committee, including scheduling of meetings and drafting of the Committee report. Minutes should be limited to Committee decisions, including both recommendations on warrant articles and pros and cons to be incorporated into the report.

The Committee will be established for an experimental period of three years. Then, Town Meeting must vote to continue its existence, as well as any changes that may improve its functioning.

Concerns that may be raised about adding an Advisory Committee

The Select Board already serves this function. The Select Board makes recommendations on warrant articles before TM, generally include an oral explanation of why they are in favor or opposed. Because of the press of regular business, the Select Board has very limited time available to research and review articles. Moreover, its comments and recommendations are only offered orally at the time the article is considered. Thus there is no time in advance for TM members to consider such pros and cons as the Select Board may advance in detail. Finally, to the extent that the recommendations of the Select Board and its Boards and Committees are perceived to have a "Town Hall bias", the Advisory Committee can be understood to raise questions and take perspectives that belong to Town Meeting's representative, legislative function for the entirety of the Town.

The warrant review and precinct meetings already serve this function. These meetings are not attended by all town meeting members, and they last only a few hours. Thus there is no assurance that all key arguments for and against a warrant article will be presented in each of these meetings. The Advisory Committee report will be available to Town Meeting members to review at a time and place of their own choosing. The report of the proposed Advisory Committee is not intended to serve as a substitute for other educational meetings. Indeed, its content may be discussed there. It is a long-overdue approach to supplementing other reviews to assure that Town Meeting members are well-educated with respect to the warrant.

This would supersede TM. Formulating arguments for and against is the job of TM members, and thus there is no need for a special committee. The same argument could be made regarding the Finance Committee, yet members generally find it valuable to have a special committee to consider in advance the fiscal implications of adopting each warrant article. Ultimately Town Meeting members may reject the recommendations of its Advisory Committee, but discussions may begin at a more advanced point than they do now.

Boards and Committees proposing warrant articles should include their own analysis of pros and cons in their reports to Town Meeting. To the extent that this occurs, the Advisory Committee should take these into account in developing its own report and recommendations. In contrast to other Boards and Committees, the Advisory Committee will be obligated to address both the pros and the cons of any proposal it considers.

No one will volunteer to serve on this committee. Amherst has generally done well in finding competent people to serve on its many committees. This will become an important and influential committee that will attract participants. The creation of this committee to maintain balance among perspectives is included in the Warrant Language that follows.

Warrant Language

To see if the town meeting will establish under its bylaws a “Town Meeting Advisory Committee”, as described below.

1. There shall be a Town Meeting Advisory Committee (TMAC) consisting of nine members to be elected by Town Meeting. A list of nominees shall be identified by two parallel processes: 1) The Moderator and the Town Meeting Coordinating Committee (TMCC) shall create one list, and 2) Individuals may self-nominate creating a second list. The nominees need not be Town Meeting members, but must be residents of Amherst. The two lists will be combined and presented to Town Meeting for a vote without identifying a source.
2. The members shall hold office for three years and their terms of office shall be so arranged that the terms of three members shall expire at the end of one year, and the terms of three members at the end of two years, and the terms of three members at the end of the third year, the terms of such members to expire on January 1 of the year following their election. At the Fall Town Meeting, as many members as are necessary to replace members whose terms are expiring on the next January 1 shall be elected. The TMCC shall fill by temporary appointment any vacancy in the membership of the committee.
3. The committee shall annually elect its own leadership.
4. It shall be the duty of this committee to investigate how the Town Meeting warrant articles would affect the town if passed, excepting the town finances, which are reserved for the finance committee. The Advisory Committee may, at its discretion, make recommendations to town meeting based upon its analysis of the benefits and impacts to the town of each warrant article.